

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

GETIR US, INC.,

and

GETIR PERAKENDE LOJISTIK A.S.,

Plaintiffs,

v.

JOHN DOE

and

getir190.com, a domain name,

Defendants.

Civil Action No. 1:21-cv-01237

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION TO SEAL**

Plaintiffs Getir US, Inc. and Getir Perakende Lojistik A.S. (collectively "Getir"), by and through undersigned counsel, and under Local Rule 5(C), submits this memorandum in support of its Motion to Seal an unredacted copy of (1) Getir's Complaint; (2) Getir's Memorandum in Support of its Emergency Ex Parte Motion for Temporary Restraining Order; (3) Getir's Proposed Order granting its Emergency Motion; and (4) the Declaration of Mert Salur.

1. In connection with motions to seal, the Fourth Circuit requires: (1) public notice that allows an opportunity to object to the filing; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See* Ashcraft v. Conoco, Inc., 218 F.3d 282, 288 (4th Cir. 2000).

2. Here, Getir has provided the appropriate public notice to allow an opportunity to object. Getir has also considered and applied less drastic alternatives, including publicly redacting

only those portions that Getir deems necessary to be sealed to protect its business while allowing the remaining portions to be filed publicly.

3. Getir requests that the redacted information remain under seal because those portions of the aforementioned documents that are currently redacted contain internal and proprietary information concerning Getir's business statistics and plans that have not been publicly announced. Specifically, the redacted information contains discussion of Getir's business strategy in connection with United States operations that has not been publicly announced yet and that would cause harm if released now. It also includes sensitive information concerning traffic accidents that is not publicly reported.

4. "Confidential business information" is a species of property: "Confidential business information has long been recognized as property. Confidential information acquired or compiled by a corporation in the course and conduct of its business is a species of property to which the corporation has the exclusive right and benefit, and which a court of equity will protect through the injunctive process or other appropriate remedy." *Carpenter v. United States*, 484 U.S. 19, 26 (1987).

5. The statements at issue constitute confidential business information, and Getir has taken reasonable steps to protect it, which has long been recognized as a significant private interest that will overcome the common law right of public access to judicial records and justify sealing of judicial filings. *Nixon v. Warner Comms., Inc.*, 435 U.S. 589, 598 (1978); *In re Knight Publ'g Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (sealing court records permissible to prevent others from "gaining a business advantage" from materials filed with the court). Thus, it is appropriate to allow the limited redacted information to remain under seal.

WHEREFORE, Getir requests leave to file under seal unredacted copies of (1) Getir's Complaint; (2) Getir's Memorandum in Support of its Emergency Ex Parte Motion for Temporary

Restraining Order; (3) Getir's Proposed Order granting its Emergency Motion; and (4) the Declaration of Mert Salur.

Dated: November 8, 2021

VENABLE LLP

/s/

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